



**VOSH PROGRAM DIRECTIVE: 12-015I**

**ISSUED: February 15, 2010**

**SUBJECT: Consolidation of Non-substantive, Housekeeping, Technical, Repetitive or Error Correction Provisions of Consensus and Industry Standards for Parts 1910, 1915, 1926 and 1928**

**A. Purpose.**

The directive transmits non-substantive, housekeeping, technical, repetitive and error correction provisions as well as updates to consensus or industry standards for VOSH Standards.

This latest update transmits revisions which continue a multi-year project launched by federal OSHA in 2004 to update or remove outdated references to specific consensus and industry standards located throughout its general industry, shipyard employment, longshoring, and marine terminals standards regarding requirements for eye and face protective devices, head protection and foot protection. CHANGE XI becomes effective on April 15, 2010.

*This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.*

**B. Scope.**

This directive applies to all VOSH personnel.

**C. References.**

CHANGE XI: 74 FR 46350 (September 9, 2009).  
CHANGE X: 71 FR 16669 (April 3, 2006); and  
CHANGE IX: 72 FR 71061 (December 14, 2007);  
CHANGE VIII: 71 FR 41127 (July 20, 2006);  
CHANGE VII: 71 FR 16669 (April 3, 2006);  
CHANGE VI: 70 FR 76979 (December 29, 2005);  
CHANGE V: 70 FR 53925 (September 13, 2005);  
CHANGE IV: 70 FR 1111 (January 5, 2005);  
CHANGE III: 63 FR 33450 (June 18, 1998) and OSHA Memorandum 98-2 (October 7, 1998);  
CHANGE II: 61 FR 31427 (June 20, 1996);  
CHANGE I: 61 FR 9230 (March 7, 1996).

**D. Cancellation.**

VOSH Program Directive 12-015H (November 1, 2009).

**E. Effective Dates.**

CHANGE XI:	February 15, 2010.
CHANGE X:	November 15, 2009.
CHANGE IX:	June 1, 2008.
CHANGE VIII:	March 21, 2007.
CHANGE VII:	August 1, 2006.
CHANGE VI:	June 15, 2006.
CHANGE V:	June 15, 2006.
CHANGE IV:	August 15, 2005.
CHANGE III:	January 1, 1999.
CHANGE II:	December 15, 1996.
CHANGE I:	September 1, 1996.

**F. Action.**

Directors and Managers shall ensure that the guidelines in this directive are followed and that compliance officers are familiar with the contents of the standard.

**G. Expiration Date.**

Not Applicable.

**H. Background and Summary.**

**CHANGE XI:** Federal OSHA has been undertaking a series of projects to update its standards to incorporate the latest versions of national consensus and industry standards. These projects include updating or revoking national consensus and industry standards referenced in existing OSHA standards, updating regulatory text of standards adopted directly by OSHA from the language of outdated consensus standards and, when appropriate, replacing specific references to outdated national consensus and industry standards with performance-oriented requirements.

Federal OSHA issued this final rule to revise the personal protection equipment (PPE) sections of its general industry, shipyard employment, longshoring, and marine terminals standards regarding requirements for eye and face protective devices, head protection, and foot protection. OSHA updated the references in its regulations to recognize more recent editions of the applicable national consensus standards, and deleted editions of the national consensus standards that PPE must meet if purchased before a specified date. Additionally, federal OSHA amended paragraph (a)(5)(v)[a] in 29 CFR 1910.94 that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard. It also amended paragraph (b)(2)(ii)(I) in 29 CFR 1910.252 which requires filter lenses and plates in eye-protective equipment to meet a test for transmission or radiant energy specified by another ANSI standard. In amending these paragraphs, federal OSHA will require this safety equipment to comply with the applicable PPE design provisions in 29 CFR 1910, subpart I.

The Safety and Health Codes Board adopted this revised final rule for Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment on January 14, 2010, with an effective date of April 15, 2010.

**CHANGE X:** This change reflects a completion of the adoption of the amendment to various safety and health standards in need of corrections, housekeeping changes or technical amendments, which was published by federal OSHA in 71 FR 16669 on April 3, 2006 (see CHANGE VII, below), and adopted by the Safety and Health Codes Board (“Board”) on June 19, 2006, with an effective date of September 1, 2006. This amendment included updating references from existing OSHA standards, but did not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations.

During its June 19, 2006 meeting, the Board adopted most of the various corrections and technical amendments to Parts 1910 – General Industry, 1915 – Shipyard Employment, and 1926 – Construction, as published in 71 FR 16669 on April 3, 2006. The Board chose to continue enforcing the old federal standard, §1910.20, and did not adopt any amendments that substituted “§1910.1020, Access to Employee Exposure and Medical Records” for “§1910.20, Access to Employee Exposure and Medical Records” which appeared in items 1, 34 and 36 of the Federal Register [71 FR 16669 (April 3, 2006)]. The Board also did not adopt similar changes to Part 1913, which also revised references from “§1910.20” to the current “§1910.1020”.

*NOTE: In 1988, federal OSHA revised and renumbered Access to Employee Exposure and Medical Records, §1910.20, as §1910.1020. At that time in 1988, the Safety and Health Codes Board chose to continue the enforcement of the old federal standard, §1910.20, and did not adopt the revisions which included the renumbering to §1910.1020.*

As a result of a recent periodic review of regulations, VOSH noticed numerous differences between the Virginia unique regulation for Access to Employee Exposure and Medical Records, 16 VAC 25-80, and the federal OSHA regulation, 29 CFR 1910.1020. VOSH acknowledged that there were numerous additional requirements in the current federal regulation which highlight OSHA’s significant effort to solve the regulatory dilemma caused by seeking to accommodate the competing interests between the need for chemical identity disclosure for medical treatment of a patient’s health problems, which may be a result of chemical exposure, and trade secret protection for the employer that, once lost, cannot be fully recaptured.

Additionally, in §1913, “Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records” under item 34 [71 FR at 16674], paragraph (n) was removed because it specified an effective date that expired over 20 years ago.

On April 16, 2009, the Board repealed its Virginia unique version of Access to Employee Exposure and Medical Records (16 VAC 25-80) and adopted the federal regulation, 29 CFR 1910.1020, with an effective date of August 20, 2009.

**CHANGE IX:** This direct final rule is a continuation of federal OSHA’s ongoing effort to update references to consensus and industry standards used throughout its rules. The direct final rule and the accompanying Notice of Proposed Rule Making (NPRM) (72 FR 71091) address welding definitions; abrasive wheel specification; floor and wall openings, railings, and toeboards; marking of portable

compressed gas cylinders; and spray finishing.

Specifically, in this direct final rule, federal OSHA amended subparagraph (c)(1)(iv) of its spray-finishing standard at 29 CFR 1910.107, which incorrectly refers to the requirements for powder-coating equipment in “paragraph (c)(1) of this section.” The amendment at 29 CFR 1910.107(c)(1)(iv) will identify the correct provision for regulating powder-coating equipment.

Additionally, federal OSHA removed the reference to American Welding Society (“AWS”) standard A3.0-1969 (“Terms and Definitions”) in paragraph (c) of 29 CFR 1910.251 (“Definitions”). Federal OSHA determined that after over 35 years of experience with these terms, employers and employees performing welding, cutting, and brazing operations understand their meaning when applying the substantive requirements in 29 CFR 1910.252-1910.255.

Federal OSHA removed the reference to the ANSI standards in the following standards:

- 1910.68(b)(4) and (b)(8)(ii);
- 1910.94(b)(5)(i)(a) and replaced it with a cite to 1910.215, Tables O-1 and O-9;
- 1910.94(c)(5)(iii)(e);
- 1910.103(b)(1)(i)(c), 1910.110(b)(5)(iii) and 1910.111(e)(1) and replaced them with a cite to paragraph (b)(1)(ii) of 1910.253;
- 1910.144(a)(1)(ii);
- 1910.243(d)(1)(i) and replace it with a cite to the design requirements specified by 1910.243(d)(2); and
- 1910.261(c)(15)(ii), (e)(4), (g)(13)(i), (h)(1), (j)(4)(iii), (j)(5)(i), (k)(6), (k)(13)(i), and (k)(15) and replaced them with a cite to 1910.23.

In the following standards, federal OSHA removed the reference to the NFPA standard:

- 1910.94(c)(1)(ii);
- 1910.94(c)(3)(i);
- 1910.94(c)(3)(i)(a);
- 1910.94(c)(3)(iii);
- 1910.94(c)(3)(iii)(a); and
- 1910.94(c)(3)(5)(i)

The Safety and Health Codes Board adopted this direct final rule for Updating OSHA Standards Based on National Consensus Standards on February 28, 2008, with an effective date of June 1, 2008.

**CHANGE VIII:** Federal OSHA published corrections and technical amendments to its direct final rule on Roll-over Protective Structures (ROPS) in construction, §1926.1002, and agriculture, §1928.53, on December 29, 2005. No adverse comments were received. In addition to editorial corrections, federal OSHA made technical changes to improve the consistency among the figures used in the standards and replaced a number of figures with new computer-generated images.

The Safety and Health Codes Board adopted these corrections and technical amendments to the final rule for Roll-over Protective Structures for the Construction Industry and the Agriculture Industry on December 6, 2006, with an effective date of March 21, 2007.

**CHANGE VII:** As part of the ongoing review of its regulations, VOSH adopted federal OSHA's amendment to various safety and health standards in need of corrections, housekeeping changes or technical amendments. The revisions do not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations. The revisions include updating references and removing obsolete effective dates and startup dates from existing OSHA standards.

VOSH, however, did not adopt the changes in items 1, 33 and 34 of the attached *Federal Register* pages (71 FR 16672 *et seq.*) The changes covered under items 1, 33 and 34 update references from what was 29 CFR 1910.20 which, in 1988, the Board chose to continue the enforcement of the old federal standard, §1910.20, dealing with medical records, and it did not adopt the revisions and section renumbering to 29 CFR 1910.1020. VOSH also did not request the changes to Part 1913 as it too changes §1910.20 references to the current federal 29 CFR 1910.1020, which is not in effect in Virginia.

The Safety and Health Codes Board adopted this revised final rule on June 19, 2006, with an effective date of September 1, 2006.

**CHANGE VI:** On December 29, 2005, in a separate action, OSHA reinstated its originally developed Roll-Over Protective Structures (ROPS) standards for both construction and agriculture to rectify several substantive differences between the national consensus standards and the original pre-1996 OSHA-developed ROPS standards.(70 FR 76979) Minor non-substantive changes to improve readability and understanding were also made.

Federal OSHA revoked three references to outdated national consensus standards and two references to industry standards. By eliminating the outdated references, OSHA will clarify employer obligations under the applicable OSHA standards and reduce administrative burdens on employers and OSHA.

These standards are used to protect operators of wheel-type tractors and restored its originally developed standards.

In the Construction standards, OSHA removed paragraphs (c) through (i) and (k) from §1926.1002, which addressed testing of protective frames for wheel-type tractors used in construction, and replaced them with a reference to Society of Automotive Engineers ("SAE") consensus standard J334a-1970 in §1926.1002(a)(1). Also, OSHA reinstated the impact-testing option provided by the original 29 CFR 1926.1002(c)(1), allowing the regulated community to use either a laboratory test or a field test for impact testing, while the SAE standard requires both tests.

OSHA revised §1926.1003, specifying testing requirements for overhead protection used with tractors, by removing paragraphs (c) through (g) and substituted them with a reference to SAE consensus standard J167-1970 in paragraph (a)(1).

In the Agriculture standards, OSHA deleted §§1928.52 and 1928.53, as well as Appendix B to subpart C of 29 CFR part 1928. Those deleted standards specified procedures for testing protective frames and enclosures for wheel-type tractors used in agriculture, respectively, while Appendix B provided diagrams depicting these testing procedures. In place of those requirements, OSHA referenced SAE consensus standard J334a-1970 and American Society of Agricultural Engineers ("ASAE") consensus standard S306.3-1974 for protective frames, and SAE consensus standard J168-1970 and ASAE consensus

standard S336.1-1974 for protective enclosures, in paragraph (b)(1) of revised 29 CFR 1928.51.

For both protective frames and protective enclosures, the testing conducted under the ASAE and SAE standards adopted in 1996 generally is consistent with the testing requirements of the original OSHA standards. However, OSHA found several substantive differences between the original OSHA standards and the consensus standards (for testing both protective frames and protective enclosures) that replaced them.

Consequently, this 2006 amendment reinstates the testing exemption found in the original OSHA ROPS standards and provides an additional cold-temperature testing option found in the original OSHA standards but not available in the SAE standards. OSHA also made minor non-substantive changes.

On March 7, 2006, the Safety and Health Codes Board adopted this revised final rule, with an effective date of June 15, 2006.

**CHANGE V:** On November 24, 2004, OSHA published a notice in the *Federal Register* announcing its overall project to update OSHA standards that are based on national consensus standards (69 FR 68283). Also, on that same day, federal OSHA published in the *Federal Register* a direct final rule (69 FR 68712) which was later withdrawn on February 18, 2005. (70 FR 8291) The Board adopted this federal change at its meeting on March 7, 2006, with an effective date of June 15, 2006.

These revisions are part of OSHA's overall effort to update its standards that reference, or that include language taken directly from, outdated consensus standards.

OSHA removed outdated references in the following standards:

1. 29 CFR 1910 Subpart A – General (§1910.6);
2. Subpart H – Hazardous Materials [§1910.106(b)(1)(iii)(a)(2)];
3. Subpart J – General Environmental Controls [§1910.142(c)(4)] – (Temporary labor camps, drinking fountains);
4. Subpart P – Hand and Portable Powered Tools and Other Hand-Held Equipment [§1910.243 (e)(1)(i)];
5. Subpart Q – Welding, Cutting and Brazing [§1910.254(d)(1)];
6. Subpart R – Special Industries [§1910.265(c)(31)(i) – Sawmills].

**CHANGE IV:** In Phase II of the Standards Improvement Project, federal OSHA removed and revised 40 health provisions in 23 OSHA standards in general industry, shipyard employment, and construction that were outdated, duplicative, unnecessary, or inconsistent, or could be clarified or simplified by being written in plain language.

In regard to “inconsistent” standards, federal OSHA specifically revised a number of its older standards (vinyl chloride, acrylonitrile, coke oven emissions, arsenic, and DBCP) to be consistent with the frequencies of exposure monitoring, medical surveillance, and compliance plan updates established in the majority of more recently promulgated standards. (70 FR 1113)

The Board adopted Phase II of the Standards Improvement Project at its meeting on May 24, 2005, with an effective date of August 15, 2005.

**CHANGE III:** In June 1998, federal OSHA published Phase I of the Standards Improvement Project which set forth changes to a number of health and safety provisions in 1910 and 1926 that will revise or eliminate duplicative, inconsistent or unnecessary regulatory requirements without diminishing employee protections. Substantive changes include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the coke oven and inorganic arsenic standards, and changing the emergency-response provisions of the vinyl chloride standard. This federal final rule was adopted by the Safety and Health Codes Board on October 19, 1998, with an effective date of January 1, 1999.

**CHANGE II:** OSHA issued a final rule which addressed minor clarifications, corrections, and technical amendments to OSHA standards. Most of the changes made in the final rule affect Subpart Z (Toxic and Hazardous Substances) of Parts 1910, 1915 and 1926. Duplicate health provisions from the shipyard and construction standards were eliminated and replaced with cross-references to the identical text in the general industry standards. The new final rule does not make any substantive changes to the requirements of the OSHA standards. This final rule was adopted by the Safety and Health Codes Board on September 30, 1996, with an effective date of December 15, 1996.

*Note: Since the Safety and Health Codes Board adopted a Virginia unique regulation on the Access to Employee Exposure and Medical Records, § 1910.20, this section was not impacted by these technical amendments.*

**CHANGE I:** Following a line-by-line review of its standards published in Title 29 of the Code of Federal Regulations (29 CFR), federal OSHA identified a number of sections and provisions of those standards which could be deleted, revised, clarified or reorganized throughout Parts 1910, 1915, 1926 and 1928. No changes to the substantive requirements of the affected standards were made. On June 17, 1996, the Safety and Health Codes Board adopted these revisions, with an effective date of September 1, 1996.

Edward A. Hegamyer  
Acting Commissioner

Attachments: **CHANGE XI:** 74 FR 46350 (September 9, 2009) and  
[http://www.osha.gov/FedReg\\_oshapdf/FED20090909.pdf](http://www.osha.gov/FedReg_oshapdf/FED20090909.pdf)

**CHANGE X:** 71 FR 16669 (April 3, 2006)  
[http://www.osha.gov/FedReg\\_oshapdf/FED20060403.pdf](http://www.osha.gov/FedReg_oshapdf/FED20060403.pdf) and

**CHANGES I - IX:** None. See General Industry, Shipyard Employment and Construction Industry Standards

E-Attachments: **CHANGE IX:** [http://www.osha.gov/FedReg\\_oshapdf/FED20071214.pdf](http://www.osha.gov/FedReg_oshapdf/FED20071214.pdf)

**CHANGE VIII:** [http://www.osha.gov/FedReg\\_oshapdf/FED20060720.pdf](http://www.osha.gov/FedReg_oshapdf/FED20060720.pdf) and

**CHANGE VII:** [http://www.osha.gov/FedReg\\_osha\\_pdf/FED20060403.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20060403.pdf)

**CHANGE VI:**

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-24462.pdf>; and

**CHANGE V:** 70 FR 7979 (December 29, 2005) and 70 FR53925 (September 13, 2005).

[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20051229.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20051229.pdf)

[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20050913.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20050913.pdf)

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**Updating OSHA Standards Based on National Consensus Standards;  
Personal Protective Equipment; Revised Final Rule**

As Adopted by the  
Safety and Health Codes Board

Date: January 14, 2010



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: April 15, 2010

- 16 VAC 25-90-1910.6, Incorporation by reference
- 16 VAC 25-90-1910.94, Ventilation
- 16 VAC 25-90-1910.133, Eye and Face protection
- 16 VAC 25-90-1910.135, Head protection
- 16 VAC 25-90-1910.136, Foot protection
- 16 VAC 25-90-1910.252, General requirements
- 16 VAC 25-100-1915.5, Incorporation by reference
- 16 VAC 25-100-1915.153, Eye and face protection
- 16 VAC 25-100-1915.155, Head protection
- 16 VAC 25-100-1915.156, Foot protection
- 16 VAC 25-120-1917.3, Public Sector Only, Incorporation by reference
- 16 VAC 25-120-1917.91, Public Sector Only, Eye and face protection
- 16 VAC 25-120-1917.93, Public Sector Only, Head protection
- 16 VAC 25-120-1917.94, Public Sector Only, Foot protection
- 16 VAC 25-130-1918.3, Incorporation by reference
- 16 VAC 25-130-1918.101, Eye and face protection
- 16 VAC 25-130-1918.103, Head protection
- 16 VAC 25-130-1918.104, Foot protection

When the regulations, as set forth in the revised final rule for Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and industry

Agency

Department

October 9, 2009

April 15, 2010

**MISCELLANEOUS AND TECHNICAL AMENDMENTS TO  
PARTS 1910, 1915, 1926 AND 1928**

As adopted by the

Safety and Health Codes Board

**CHANGE I:** June 17, 1996  
**CHANGE II:** September 30, 1996  
**CHANGE III:** October 19, 1998  
**CHANGE IV:** May 24, 2005  
**CHANGE V:** March 7, 2006  
**CHANGE VI:** March 7, 2006  
**CHANGE VII:** June 19, 2006  
**CHANGE VIII:** December 6, 2006  
**CHANGE IX:** February 28, 2008  
**CHANGE X:** August 13, 2009



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

**Effective dates:**

**CHANGE I:** September 1, 1996  
**CHANGE II:** December 15, 1996  
**CHANGE III:** January 1, 1999  
**CHANGE IV:** August 15, 2005  
**CHANGE V:** June 15, 2006  
**CHANGE VI:** June 15, 2006  
**CHANGE VII:** September 1, 2006  
**CHANGE VIII:** March 21, 2007  
**CHANGE IX:** June 1, 2008  
**CHANGE X:** November 15, 2009